IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 28209 of 2006(G)

PETITIONER:

G.CHANDRASEKHARA PILLAI,
RETIRED ASSISTANT SECRETARY,
CO-OPERATIVE URBAN BANK LTD.,
KOTTARAKKARA, NOW RESIDING AT SREE NIDHI,
PATTAZHY, KOTTARAKARA, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

---

1. STATE OF KERALA,
REP. BY THE SECRETARY,
CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE ADDITIONAL REGISTRAR (CREDIT),
MONITARY COMMITTEE STATE CONVENER,
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

3. JOINT REGISTRAR (GENERAL) OF CO-OP.
SOCIETIES,
COLLECTORATE, KOLLAM.

4. THE CO-OPERATIVE URBAN BANK LTD.,
KOTTARAKARA, REP. BY ITS SECRETARY,
KOTTARAKARA P.O., KOLLAM DISTRICT.

BY GOVERNMENT PLEADER, SRI.P.K.RAVIKRISHNAN
FOR R4 ADV. SRI.P.SIVARAJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 THE TRUE COPY OF THE JUDGMENT IN WP(C) NO.33675/2004 DATED 28/01/2005

EXT.P2 THE TRUE COPY OF THE ORDER NO.CRB-6514/04/K.DIS DATED 12/03/2005 ISSUED BY THE 3RD RESPONDENTS

EXT.P3 THE TRUE COY OF THE ORDER NO.PBPPO NO.272/KLM/R.DIS DATED 12/09/2005

EXT.P4 THE TRUE COPY OF THE G.O(P) NO.217/05/CO-OPERATION DATED 22/08/2005

EXT.P5 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 14/06/2006

EXT.P6 THE TRUE COPY OF THE REPRESENTATION DATED 25/08/2006 FILED BY THE PETITIONER BEFORE THE BOARD OF DIRECTORS OF 4TH RESPONDENT BANK.

\\TRUE COPY//

J.M.JAMES, J.

W.P.(C). 28209/2006 (G)

Dated this the 14th day of February, 2007

JUDGMENT

The writ petitioner was an employee of the 4th respondent, Urban Bank. He retired on 31.12.2003. As per the G.O (P).No.217/05.Co-operation dated 22.8.2005, the salaries and allowances of the employee of the Urban Banks have been revised and re-fixed with effect from 1.4.2003.

2. The writ petitioner states that the benefits due to him, as per the above said G.O., had been released on 31.12.2005. However, his pension has not been revised as per the re-fixed salary and allowances, though the benefits of which had already been released to him. He, therefore, made a representation, Ext.P5, dated 14.6.2006 to the 4th respondent. Similarly, he made another representation, Ext.P6, dated 25.8.2006, further requesting to grant him the gratuity as per the revised scale. No action had so far been taken by the 4th respondent, although the security amount of Rs.500/- had been later released to him.

3. When the matter came up for hearing, the learned counsel appearing for the writ petitioner pressed for an early disposal of the matter. The respondent filed counter.

4. There is nothing before me to show that the pension of the writ petitioner is revised as per the G.O. dated 22.8.2005. Therefore, the prayer of the writ petitioner, to grant him all the benefits due under the revised G.O., is only legal and just.

5. The counsel for the writ petitioner submits that the 4th respondent is withholding the entire matter. In an earlier occasion also, the writ petitioner was before this Court through W.P.(C). No.33657/2004. On 2.3.2005, the Joint Registrar passed another order, giving him an exemption from the realisation of the amount, due from the writ petitioner.

6. The learned counsel for the 4th respondent submits the petitioner is claiming pensionery benefits inclusive of the period in which he was in service and drew the salary. The counsel also submits that Exts.P5 and P6 representations had not been received by the 4th respondent.

7. After hearing both sides and in the above facts situation, I direct the writ petitioner to file a fresh representation before the 4th respondent, within one week from today. The 4th respondent, the Urban Co-operative Bank shall hear the writ petitioner and, thereafter, forward the entire service details of the writ petitioner, in the light of the G.O dated 22/08/2005, including all documents in the possession of the 4th respondent to the 2nd respondent, the Additional Registrar (Credit), within one week from the date of hearing of the writ petitioner.

8. The gratuity amount, if any, due to the writ petitioner, basing on the last salary fixed by the 4th respondent, according to G.O dated 22/08/2005, shall be paid to the writ petitioner, within one month from the date of hearing of the writ petitioner.

9. The second respondent shall issue order, releasing all the revised pensionery benefits due to the writ petitioner, as per G.O dated 22/08/2005, after taking into consideration, the judgment, dated 28/01/2005, in W.P(C) No.33657/2004, as well as the order of the Joint Registrar

(General), dated 02/03/2005. The release of the pensionery benefits shall be within two months from the date of receipt of the records from the 4th respondent.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

ms